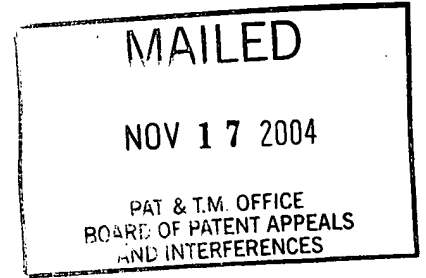


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EARL R. AULT

Application No. 09/661,653



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 26, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellant filed an Information Disclosure Statement on June 27, 2003. It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellant of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application No. 09/661,653


Accordingly, it is

ORDERED that this application be returned to the examiner for 1) consideration of the Information Disclosure Statement; 2) appropriate written notification by the examiner to appellant of such consideration; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


Kimberly Jordan
Program and Resource Administrator
(571)272-9797

cc: Eddie E. Scott
Lawrence Livermore National Lab
PP Box 808-L-703
Livermore, CA 94551

KJ/tdl/mh
RA05-0065